

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of:)	
)	
Request for Waiver)	
)	CC Docket No. 02-6
by)	
)	
St. Ignatius Elementary School)	
Cleveland, OH)	

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

St. Ignatius Elementary School ("St. Ignatius") respectfully requests that the Federal Communications Commission ("FCC") grant it a Waiver of the late filing of an Item 21 Attachment relative to Funding Year 2012 Form 471 Application #875031. This Request for Waiver is made pursuant to 54.719 through 54.723 of the Commission's rules.¹

Basic Information:

Billed Entity Number:	47837
FCC Form 471 Application Numbers:	875031
Funding Request Numbers Appealed:	2388769
Date of Funding Commitment Decision Letter:	July 18, 2013

¹ 47 C.F.R. §§ 54.719–54.723

Contact Information:

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REASONS FOR REQUEST FOR WAIVER:

St. Ignatius Elementary School is seeking a Waiver relative to an out-of-Window submission of an Item 21 Attachment for Application #875031 Funding Request 2388769.

USAC's Funding Commitment Decision Explanation states:

This FRN is denied because the Item 21 Attachment was not received on or before the filing deadline. The Item 21 Attachment is an FCC Form 471 Window filing requirement. Your Item 21 Attachment was received after the filing deadline. FCC Forms 471 with Item 21 Attachments that met the FCC Form 471 Window requirements have funding priority over applications received after the filing deadline. Given that funding demand for FCC Forms 471 filed within the window exceeds the amount available for commitment, we cannot consider this FRN for funding."

SUMMARY:

For FY2012 St. Ignatius employed Educational Funding Group, Inc. as its E-rate consultant. ("EFG"). EFG's home office is in Cleveland, Ohio; I am the EFG account manager assigned to the St. Ignatius account and work autonomously from EFG's Kansas location.

In addition to my school district accounts, I am the EFG account manager for several Catholic Dioceses' schools consortium applications, each of which contains

numerous individual parochial schools, one of which is St. Ignatius Elementary School. On March 20, 2012, while finalizing Form 471 applications and hundreds of Item 21 Attachments for all of my accounts' applications, the Item 21 Attachment for FRN 2388769 "slipped between the cracks" largely because in addition to the services it applied for under a consortium application St. Ignatius needed a separate Form 471 for this FRN.

BACKGROUND

In September 2011 my mother was diagnosed with Stage IV lung cancer and two months later my stepfather was deemed terminally ill and placed in hospice care. In December 2011 I underwent knee replacement surgery. Since I am an only child, in addition to tending to my own medical needs I took on the responsibility of managing my parents' healthcare, affairs and finances. Post-surgery I required physical therapy three times per weeks for several months. During the month of March 2012, in addition to my own therapy appointments and taking my mother for radiation treatments, my mother acquired a major infection that necessitated I take her to the doctor's office every other day for treatment. Adding to my time commitment was the fact that my mother and stepfather lived approximately a half hour away. Understandably, I was completely overwhelmed by the demands of caring for myself, my children, both of my parents and managing my work duties during the frenetic pace at the close of the FY2012 filing Window. I filed St. Ignatius' FY2012 FCC Form 471 application # 875031 within the Window, however, given the enormous stress I was under because of the state of my health, my parents' health and my work responsibilities, I inadvertently

failed to prepare and submit the Item 21 Attachment for FRN 2388769 by the March 20, 2012 deadline.

My stepfather died June 2, 2012 and my mother on August 25, 2012. The months of continuing stress and grieving took its toll on me. To make matters worse, I was involuntarily involved in protracted litigation, which prolonged my stress; the litigation continues yet today.

I/EFG did not receive an Urgent Reminder Letter from USAC regarding the Item 21 Attachment for FRN 2388769, so I remained unaware of my failure to submit the Item 21 until it was brought to my attention by PIA Reviewer Sean McNamara.

The Commission has repeatedly reiterated its authority under 47 C.F.R. §1.3 to waive rules for good cause shown and has routinely waived compliance for violations when the record contains no evidence of intent to defraud or abuse the E-rate program and where the public interest is better serviced by granting a waiver:

The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. (footnotes omitted)²

Further, in its recent Orders, DA 12-1482, DA 12-1998 and DA-2057, Waivers were granted to applicants whose applications were submitted within the filing window and who,

² See *Request For Review of Decision of the Universal Service Administrator by Bishop Perry Middle School*, , DA No. 06-54; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

like St. Ignatius, demonstrated good reasons why their Item 21 Attachments were not submitted until after the window closed.

CONCLUSION

Throughout its FY2012 application process St. Ignatius demonstrated actual and/or attempted compliance with E-rate program rules and regulations. All core E-rate program requirements were followed and there was no fraud, abuse or waste of E-rate funds. FCC Form 471 Application #875031 was timely filed within the window. On March 20, 2012 I made a good faith effort to submit all of the Item 21 Attachments for St. Ignatius along with the many others I submitted that day. My failure to submit the Item 21 Attachment for FRN 2388769 was an oversight which can be attributed to the enormous amount of personal stress I endured between September 2011 and September 2012, and which continues today due to the litigation in which I have been involuntarily been involved.

Therefore, for good cause shown, and to better serve the public interest and the interests of the students of St. Ignatius Elementary School, I respectfully request that the Commission:

1. Waive its requirement that the Item 21 Attachment for FY2012 FCC Form 471 Application # 875031 FRN 2388769 be submitted by the Funding Year 2012 FCC Form 471 filing deadline of March 20, 2012;
2. Allow the Item 21 Attachment for FRN 2388769 which has already been submitted to USAC, deemed to be filed within the Window;
3. Direct USAC to issue a funding commitment for FRN 2388769; and

4. Direct USAC to issue a Revised Funding Commitment Decision Letter
awarding funding for the FRN.

Thank you for your consideration.

/s/ Kari O'Rourke

Kari O'Rourke
Educational Funding Group, Inc.
E-rate Consultant to St. Ignatius Elementary School

[PLEASE PUT ON SCHOOL/DISTRICT LETTERHEAD]

To: Schools and Libraries Division of the
Universal Service Administrative Company

Re: Letter of Agency for Funding Years July 1, 2010 – June 30, 2011 ✓
July 1, 2011 – June 30, 2012 ✓
July 1, 2012 – June 30, 2013 ✓

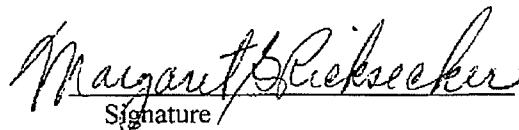
*Please check all applicable year(s)

The undersigned, on behalf of St Ignatius of Antioch Elementary ("School"), hereby authorizes the personnel and authorized agents of Educational Funding Group, Inc., ("EFG") to act as our Agent(s) with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) regarding all matters involving our School's E-rate funding application(s) for the Funding Years checked above.

This authorization relates to the filing of FCC Form 470, FCC Form 471 and all other E-rate forms necessary to complete each year's funding process. This authorization further extends to all other phases of the application process, including, but not limited to, responding to Program Integrity Review inquiries. EFG personnel and agents are expressly authorized to access and discuss with the SLD all matters pertaining to our School's application(s) and forms for the above-checked Funding Years.

This authorization shall remain in full force and effect until all work associated with the Funding Year(s) checked above has been completed.

St Ignatius of Antioch Elementary


Signature

Date: 12/15 2009

MARGARET G. RICKSECKER
Printed Name
PRINCIPAL
Title